

Legislative Department,  
As Amended in Convention,  
and Ordered Engraved For a  
Second Reading, Feb. 5<sup>th</sup>, 1879.

Article ~~II~~  
Legislative Department.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence at twelve o'clock M., on the first Monday after the first Tuesday in January next ensuing the election of its members, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except the first session called after the adoption of this Constitution, which may be allowed pay for one hundred days. And no bill shall be introduced, in either House,

after the expiration of ninety days from the commencement of the first session and of fifty days after the commencement of each succeeding

session, without the consent of two-thirds of the members of said House.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature, and their term of office shall be two years.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts,

as hereinafter provided. The seats of the twenty Senators

*numbered  
elected  
in the year eighteen hundred  
and eighty two from the  
odd numbered districts  
shall be vacated at the  
expiration of the second  
year, so that one half of  
the Senators shall be elected  
every two years; provided,  
that all the Senators elected  
at the first election under  
this constitution shall hold  
office for the term of three  
years.*

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty

senatorial and eighty Assembly

districts, as nearly equal in population as may be, and composed of contiguous territory, to be called

senatorial and Assembly districts. Each senatorial district shall choose one Senator and each Assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order and the Assembly districts shall be numbered from one to eighty in the same order.

commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of said districts, no county, or city and county, shall be divided, unless it contain sufficient population within itself to form two or more districts; nor shall a part of any county, or city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the

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United States, in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust said districts and re-apportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming the population of any district. Until such

*districting as herein provided for, shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.*

SEC. 7. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

SEC. 8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 9. Each House shall determine the rule of its own proceeding, and may, with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 10. Each House shall keep a Journal of its own proceedings, and publish the same, and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journal.

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SEC. 11. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two-thirds of the House where such bill may be, depending shall, by a vote of yeas and nays, deem it expedient to dispense with this ~~rule~~ *provision.* Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

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SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter <sup>such objections</sup> ~~the same~~ upon the Journal and proceed to reconsider it. If after such reconsideration, it again pass both Houses, by yeas and nays, two-thirds of the members elected to each House voting therefor, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

SEC. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members elected.

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SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

SEC. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia, to which there is attached no annual salary, or local officers, or Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

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SEC. 21. No person, ~~who shall be~~ convicted of the embezzlement or defalcation of the public funds of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of such embezzlement or defalcation as a felony.

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SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution, not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged

*on sick or disabled*

persons in indigent circumstances; such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have, at any time, the right to inquire into the management of such institutions.

*Provided, further, that whenever any county, or city and county or city or town shall provide for the support of minor orphans or half orphans or abandoned children or aged persons in indigent circumstances such county, ~~or~~ city and county, city, or town shall be*



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entitled to receive the same for rate appropriations as may be granted to such institutions under church or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 23: The members of the Legislature shall receive for their services a compensation, per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not exceed eight dollars and such mileage shall not exceed ten cents per mile,

and  
for contingent expenses not exceeding twenty-five dollars for each session.

No increase in compensation or mileage shall take effect during the term for which the members of either House shall have been elected, and the pay of no attache shall be increased after he is elected or appointed.

SEC. 24. Every Act shall embrace but one subject,

which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length as revised or amended; and all laws of the State of

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California, and all official writings, and the Executive, Legislative, and Judicial proceedings shall be conducted, preserved, and published in no other than the English language.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

*First*—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

*Second*—For the punishment of crimes and misdemeanors.

*Third*—Regulating the practice of Courts of justice.

*Fourth*—Providing for changing the venue in civil or criminal cases.

*Fifth*—Granting divorces.

*Sixth*—Changing the names of persons or places.

*Seventh*—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.

*Eighth*—Summoning and impaneling grand and petit juries, and providing for their compensation.

*Ninth*—Regulating county and township business, or the election of county and township officers.

*Tenth*—For the assessment or collection of taxes.

*Eleventh*—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

*Twelfth*—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

*Thirteenth*—Extending the time for the collection of taxes.

*Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.

*Fifteenth*—Refunding money paid into the State treasury.

*Sixteenth*—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

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*Seventeenth*—Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

*Eighteenth*—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

*Nineteenth*—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

*Twentieth*—Exempting property from taxation.

*Twenty-first*—Changing county seats.

*Twenty-second*—Restoring to citizenship persons convicted of infamous crimes.

*Twenty-third*—Regulating the rate of interest on money.

*Twenty-fourth*—Authorizing the creation, extension, or impairing of liens.

*Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.

*Twenty-sixth*—Remitting fines, penalties, or forfeitures.

*Twenty-seventh*—Providing for the management of common schools.

*Twenty-eighth*—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, townships, election or school districts.

*Twenty-ninth*—Affecting the fees or salary of any officer.

*Thirtieth*—Changing the law of descent or succession.

*Thirty-first*—Authorizing the adoption or legitimation of children.

*Thirty-second*—For limitation of civil or criminal actions.

*Thirty-third*—In all other cases where a general law can be made applicable.

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of

lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any Court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county or city and county to another county or city and county;

*except in cases where one county or city and county has more population than the ratio required for one or more congressmen;*

but the Legislature may divide any county or city and county into as many congressional districts as it may be entitled to by law.

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SEC. ~~28~~ In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the Journal.

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SEC. ~~29~~ The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. ~~25~~ Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever. *provided, that nothing in*

*this section shall prevent the Legislature granting aid pursuant to section twenty two of this article.*

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SEC. ~~26~~ The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal, or other corporation whatever; nor shall it have power to make any <sup>gift</sup> ~~grant~~, or authorize the making of any <sup>gift</sup> ~~grant~~, of any public money or thing of value to any individual, municipal, or other corporation whatever; *provided that*

*nothing in this section shall prevent the Legislature granting aid pursuant to section twenty two of this article.*

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and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

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SEC. ~~32~~ <sup>31</sup> The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part, nor to pay, or to authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph, gas, and water corporations, and the charges by corporations or individuals for storage, wharfage, and water, in which there is a public use, and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

Sec. 34. No bill making an appropriation of money except the general appropriation bill, shall contain more than one item of appropriation.

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and that for one single  
and certain purpose to  
be therein expressed.

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Section 35. Any person who seeks to influ-  
=ence the vote of a member of the Legislature  
by bribery, promise of reward, intimidation,  
or any other dishonest means, shall be guilty  
of lobbying, which is hereby declared a  
felony; and it shall be the duty of the  
Legislature to provide, by law, for the  
punishment of this crime. Any  
member of the Legislature proven to have  
been influenced in his vote or action  
upon any matter pending before the  
Legislature, by any reward or promise of  
future reward, shall be guilty of a felony,  
and upon conviction thereof, in addition  
to such punishment as may be provided  
by law, shall be disfranchised, and forever  
disqualified from holding any office of  
public trust.

Any person  
may be compelled to  
testify in any lawful

investigation or judicial  
proceeding against any  
person who may be charged  
with having committed  
the offence of bribery or  
corrupt solicitation, or  
with having been influenced  
in his vote or action as a  
member of the Legislature  
by reward or promise  
of future reward; and  
shall not be permitted  
to withhold his testimony  
upon the ground that it  
may criminate himself  
or subject him to public  
infamy; but such testimony  
shall not afterward be used  
against him in any judicial  
proceeding except for perjury  
in giving such testimony.



Judicial Department  
As Amended in Convention,  
and Ordered Engrossed for  
a Second Reading February 13, 1879.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the  
2 Senate sitting as a Court of Impeachment, in a Supreme Court, Superior  
3 Courts, Justices of the Peace, and such inferior Courts as the Legislature  
4 may establish in any incorporated city or town, or city and county.

[SEC. 2. The Supreme Court shall consist of a Chief Justice and six  
2 Associate Justices. The Court may sit in departments and in bank, and shall  
3 always be open for the transaction of business. There shall be two depart-  
4 ments, denominated, respectively, Department One and Department Two.  
5 The Chief Justice shall assign three of the Associate Justices to each depart-  
6 ment, and such assignment may be changed by him from time to time. The  
7 Associate Justices shall be competent to sit in either department, and may  
8 interchange with each other by agreement among themselves or as ordered  
9 by the Chief Justice. Each of the departments shall have the power to hear  
10 and determine causes and all questions arising therein, subject to the provis-  
11 ions hereinafter contained in relation to the Court in bank. The presence of  
12 three Justices shall be necessary to transact any business in either of the  
13 departments, except such as may be done at Chambers, and the concurrence  
14 of three Justices shall be necessary to pronounce a judgment. The Chief  
15 Justice shall apportion the business to the departments, and may, in his dis-  
16 cretion, order any cause pending before the Court to be heard and decided  
17 by the Court in bank. The order may be made before or after judgment  
18 pronounced by a department; but where a cause has been allotted to one of

19 the departments, and a judgment pronounced thereon, the order must be made  
20 within thirty days after such judgment, and concurred in by two Associate  
21 Justices, and if so made it shall have the effect to vacate and set aside the  
22 judgment.

*Any four justices  
may either before  
or after judgment  
by a department  
order a case to be  
heard in bank.*

If the order be not made within the time above limited; the judg-  
23 ment shall be final. No judgment by a department shall become final until

24 the expiration of the period of thirty days aforesaid, unless approved by the  
25 Chief Justice, in writing, with the concurrence of two Associate Justices.  
26 The Chief Justice may convene the Court in bank at any time, and shall be  
27 the presiding Justice of the Court when so convened. The concurrence of  
28 four Justices present at the argument shall be necessary to pronounce a judg-  
29 ment in bank; but if four Justices, so present, do not concur in a judgment,  
30 then all the Justices qualified to sit in the cause shall hear the argument; but  
31 to render a judgment a concurrence of four Judges shall be necessary. In  
32 the determination of causes, all decisions of the Court in bank or in depart-  
33 ments shall be given in writing, and the grounds of the decision shall be  
34 stated. The Chief Justice may sit in either department, and shall preside  
35 when so sitting, but the Justices assigned to each department shall select one  
36 of their number as presiding Justice. In case of the absence of the Chief  
37 Justice from the place at which the Court is held, or his inability to act, the  
38 Associate Justices shall select one of their own number to perform the duties  
39 and exercise the powers of the Chief Justice during such absence or inability  
40 to act.]

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SEC. 3. The Chief Justice and the Associate Justices shall be elected  
2 by the qualified electors of the State at large, at the general State elections,  
3 at the times and places that State officers are elected; and the term of office  
4 shall be twelve years, from and after the first Monday of January next suc-  
5 ceeding their election; *provided*, that the six Associate Justices elected at the  
6 first election shall, at their first meeting, so classify themselves, by lot, that  
7 two of them shall go out of office at the end of four years, two of them at the  
8 end of eight years, and two of them at the end of twelve years, and an entry  
9 of such classification shall be made in the minutes of the Court in bank,  
10 signed by them, and a duplicate thereof shall be filed in the office of the  
11 Secretary of State. If a vacancy occur in the office of a Justice, the Governor  
12 shall appoint a person to hold the office until the election and qualification of  
13 a Justice to fill the vacancy, which election shall take place at the next suc-  
14 ceeding general election, and the Justice so elected shall hold the office for  
15 the remainder of the unexpired term. The first election of the Justices shall  
16 be at the first general election after the adoption and ratification of this Con-  
17 stitution.

[SEC. 4. The Supreme Court shall have appellate jurisdiction in all  
2 cases in equity]

*except such as arise  
in justice courts*

also, in all cases at law which involve the title or possession  
3 of real estate, or the legality of any tax, impost, assessment, toll, or munici-  
4 pal fine, or in which the demand, exclusive of interest, or the value of the  
5 property in controversy, amounts to three hundred dollars; also in cases of  
6 forcible entry and detainer, and in all such probate matters as may be pro-  
7 vided by law; also, in all criminal cases prosecuted by indictment, or informa-  
8 tion in a Court of record on questions of law alone. The Court shall also  
9 have power to issue writs of mandamus, certiorari, prohibition, and habeas  
10 corpus, and, also, all writs necessary or proper to the complete exercise of its

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11 appellate jurisdiction. Each of the Justices shall have power to issue writs  
12 of habeas corpus to any part of the State, upon petition by or on behalf of any  
13 person held in actual custody, and may make such writs returnable before  
14 himself, or the Supreme Court, or before any Superior Court in the State, or  
15 before any Judge thereof.

*Squire*, [SEC. 5. The Superior Court shall have original jurisdiction in all  
2 cases in equity, and in all cases at law which involve the title or possession of  
3 real property, or the legality of any tax, impost, assessment, toll, or municipal  
4 fine, and in all other cases in which the demand, exclusive of interest or the  
5 value of the property in controversy, amounts to three hundred dollars, and  
6 in all criminal cases amounting to felony, and cases of misdemeanor not oth-  
7 erwise provided for; also, in actions of forcible entry and detainer, of pro-  
8 ceedings in insolvency, of actions to prevent or abate a nuisance; also, of all  
9 matters of probate, and, also, of divorce and for annulment of marriage, and  
10 all such special cases and proceedings as are not otherwise provided for. And  
11 said Court shall have the power of naturalization, and to issue papers there-  
12 for. They shall have appellate jurisdiction in such cases arising in Justices'  
13 and other inferior Courts in their respective counties as may be prescribed by  
14 law. Said Courts shall be always open (legal holidays and non-judicial days  
15 excepted), and their process shall extend to all parts of the State.

*Provided, that all actions  
for the recovery of the  
possession of, quieting  
the title to, or for  
the enforcement of  
liens upon real  
estate, shall be com-  
menced in the county*

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in which the real  
estate or any part  
thereof affected by  
such action or actions  
is situated.

Said

16 Courts, and their Judges, shall have power to issue writs of mandamus, cer-  
17 tiorari, prohibition, quo warranto, and habeas corpus, on petition by or on  
18 behalf of any person in actual custody in their respective counties. Injunc-  
19 tions and writs of prohibition may be served on legal holidays and non-judi-  
20 cial days.]

Sec. 6. There shall be in each of the organized counties, or cities and  
counties of the State, a Superior Court, for each of which at least one Judge  
shall be elected by the qualified electors of the county, or city and county, at  
the general State election; provided, that until otherwise ordered by the Leg-  
islature, only one Judge shall be elected for the Counties of Yuba and Sutter,  
and one for the Counties of El Dorado and Alpine; and, provided, that in the  
City and County of San Francisco there shall be elected twelve Judges of the  
Superior Court, any one or more of whom may hold Court. There may be as  
many sessions of said Court, at the same time, as there are Judges thereof.  
The said Judges shall choose from their own number a presiding Judge, who  
may be removed at their pleasure. He shall distribute the business of the  
Court among the Judges thereof, and prescribe the order of business. The  
judgments, orders, and proceedings of any session of the Superior Court, held  
by any one or more of the Judges of said Courts, respectively, shall be equally  
effectual as if all the Judges of said respective Courts presided at such session.

San Joaquin } Santa Clara

16 In each of the Counties of Sacramento, Los Angeles, Sonoma and Alameda,  
17 there shall be elected two such Judges. The term of office of Judges of the  
18 Superior Courts shall be six years, from and after the first Monday of January  
19 next succeeding their election; *provided*, that the twelve Judges of the Superior  
20 Court, elected in the City and County of San Francisco at the first election  
21 held under this Constitution, shall, at their first meeting, so classify them-  
22 selves, by lot, that four of them shall go out of office at the end of two years,  
23 and four of them shall go out of office at the end of four years, and four of  
24 them shall go out of office at the end of six years; and an entry of such classifi-  
25 cation shall be made in the minutes of the Court, signed by them, and a  
26 duplicate thereof filed in the office of the Secretary of State. The first election

27 of Judges of the Superior Courts shall take place at the first general election  
28 held after the adoption and ratification of this Constitution. If a vacancy  
29 occur in the office of Judge of a Superior Court, the Governor shall appoint a  
30 person to hold the office until the election and qualification of a Judge to fill  
31 the vacancy, which election shall take place at the next succeeding general  
32 election, and the Judge so elected shall hold office for the remainder of the  
33 unexpired term.]

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the Judges of such Court may hold as many sessions of said Court at the same time as there are Judges thereof, and shall apportion the business among themselves as equally as may be.

[SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in a Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant or their attorneys of record, approved by the Court, and sworn to try the cause.]

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SEC. 9. The Legislature shall have no power to grant leave of absence  
2 to any judicial officer; and any such officer who shall absent himself from  
3 the State for more than sixty consecutive days shall be deemed to have for-  
4 feited his office. The Legislature of the State may at any time, two-thirds of  
5 the members of the Senate and two-thirds of the members of the Assembly  
6 voting therefor, increase or diminish the number of Judges of the Superior  
7 Court in any county, or city and county, in the State; *provided*, that no such  
8 reduction shall affect any Judge who has been elected.

SEC. 10. Justices of the Supreme Court, and Judges of the Superior  
2 Courts, may be removed by concurrent resolution of both Houses of the Leg-  
3 islature, adopted by a two-thirds vote of each House. All other judicial  
4 officers, except Justices of the Peace, may be removed by the Senate on the  
5 recommendation of the Governor, but no removal shall be made by virtue of  
6 this section, unless the cause thereof be entered on the Journal, or unless the  
7 party complained of has been served with a copy of the complaint against  
8 him, and shall have had an opportunity of being heard in his defense. On  
9 the question of removal, the ayes and noes shall be entered on the Journal.

[SEC. 11. The Legislature shall determine the number of Justices of  
2 the Peace to be elected in townships, incorporated cities and towns, or cities  
3 and counties, and shall fix by law the powers, duties, and responsibilities of  
4 Justices of the Peace; *provided*, such powers shall not in any case trench upon  
5 the jurisdiction of the several Courts of record, except that said Justices shall  
6 have concurrent jurisdiction with the Superior Courts in cases of forcible  
7 entry and detainer, where the rental value does not exceed twenty-five dollars  
8 per month, and where the whole amount of damages claimed does not exceed  
9 two hundred dollars, and in cases to enforce and foreclose liens on personal  
10 property when neither the amount of liens, nor the value of the property  
11 amounts to three hundred dollars.]

8

SEC. 12. The Supreme Court, the Superior Courts, and such other  
2 Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 13. The Legislature shall fix by law the jurisdiction of any infe-  
2 rior Courts which may be established in pursuance of section one of this  
3 article, and shall fix by law the powers, duties, and responsibilities of the  
4 Judges thereof.

[SEC. 14. The Legislature shall provide for the election of a Clerk of  
2 the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other  
3 necessary officers, and shall fix by law their duties and compensation, which  
4 compensation shall not be increased or diminished during the term for which  
5 they shall have been elected. County Clerks shall be ex officio Clerks of the  
6 Courts of record in and for their respective counties, or cities and counties.  
7 The Legislature may also provide for the appointment, by the several Superior  
8 Courts, of one or more Commissioners in their respective counties, or cities  
9 and counties, with authority to perform Chamber business of the Judges of  
10 the Superior Courts, to take depositions, and perform such other business con-  
11 nected with the administration of justice as may be prescribed by law.]

SEC. 15. No judicial officer, except Justices of the Peace and Court  
2 Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of  
2 such opinions of the Supreme Court as it may deem expedient, and all opin-  
3 ions shall be free for publication by any person.

f

[SEC. 17. The Justices of the Supreme Court and Judges of the Supe-  
2 rior Courts shall severally, at stated times during their continuance in office,  
3 receive ~~from the State Treasury~~ for their services, a compensation which shall  
4 not be increased or diminished during the term for which they shall have been  
5 elected.



9

The salaries of the Justices  
of the Supreme Court shall  
be paid by the state. One  
half of the salary of  
each Superior Court  
Judge shall be paid  
by the state the other  
half thereof shall be  
paid by the County  
for which he is elected.

During the term of the first Judges elected under this Constitution,  
6 the annual salaries of the Justices of the Supreme Court shall be six thousand  
7 dollars each. Until otherwise changed by the Legislature, the Superior Court  
8 Judges shall receive an annual salary of ~~thirty five hundred~~ <sup>three thousand</sup> dollars each,  
9 payable quarterly, except the Judges of the City and County of San Fran-  
10 cisco, and the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara,  
11 <sup>Nevada</sup> Sacramento, and Sonoma, which shall receive four thousand ~~five hundred~~  
12 dollars each.]

[SEC. 18. The Justices of the Supreme Court and Judges of the  
2 Superior Courts shall be ineligible to any other office or public employment  
3 than a judicial office or employment during the term for which they shall  
4 have been elected.]

SEC. 19. Judges shall not charge juries with respect to matters of fact,  
2 but may state the testimony and declare the law.

10  
SEC. 20. The style of all process shall be, "The People of the State  
2 of California," and all prosecutions shall be conducted in their name and by  
3 their authority.

[SEC. 21. The Justices shall appoint a Reporter of the decisions of the  
2 Supreme Court, who shall hold his office and be removable at their pleasure.  
3 He shall receive an annual salary not to exceed twenty-five hundred dollars,  
4 payable quarterly.] *monthly.*

[SEC. 22. No Judge of a Court of record shall practice law in any  
2 Court of this State during his continuance in office.]

23

[SEC. ~~24~~. No one shall be eligible to the office of Justice of the  
2 Supreme Court, or to the office of Judge of a Superior Court, unless he shall  
3 have been admitted to practice before the Supreme Court of the State.]

*Sec 24. No judge of  
superior court - nor  
of the Supreme Court  
shall, after the first  
day of July, one thou-  
and eight hundred and  
eighty, be allowed to draw  
or receive any monthly  
salary unless they shall  
severally take and sub-  
scribe an oath before*

11  
The disbursing officer  
that no cause in their  
respective courts  
remains undecided  
that has been submitted  
for decision for the  
period of ninety days.

Action of Committee

Feb 13, 1879

Amendment  
Judicial Dept.

Amendment.

No. 504.

~~INTRODUCED BY COMMITTEE ON RIGHT OF SUFFRAGE.~~

~~NOVEMBER 13TH, 1878.~~

~~AS AMENDED IN COMMITTEE OF THE WHOLE.~~

*Convention and ordered engrossed  
for a second reading. Feby 14<sup>th</sup> 1879*

ARTICLE II.

RIGHT OF SUFFRAGE.

~~SECTION 1. Every native male citizen of the United States, and every  
2 naturalized citizen thereof, who shall have become such ninety days prior to  
3 any election, of the age of twenty-one years, who shall have been a resident of  
4 the State one year next preceding the election, and of the election district in  
5 which he claims his vote ninety days, shall be entitled to vote at all elections  
6 which are now or may hereafter be authorized by law; provided, that no idiot,  
7 insane person, or person convicted of any infamous crime, shall be entitled to  
8 the privileges of an elector; provided, that the Legislature may by law remove,  
9 in whole or in part, the disabilities to exercise the elective franchise, on  
10 account of sex.~~

~~The following is section one, as amended on motion of Messrs. Tinnin,  
Campbell, Miller, Shurtleff, and McCallum, and adopted :~~

[SECTION 1. Every native male citizen of the United States, every male  
2 person who shall have acquired the rights of citizenship under or by virtue of  
3 the treaty of Queretaro, and every male naturalized citizen thereof, who shall

4 have become such ninety days prior to any election, of the age of twenty-one  
 5 years, who shall have been a resident of the State one year next preceding the  
 6 election, and of the <sup>County</sup> ~~election precinct~~ in which he claims his vote ninety days, <sup>And in the election precinct thirty days</sup>  
 7 shall be entitled to vote at all elections which are now or may hereafter be author-  
 8 ized by law ; *provided*, that no native of China shall vote at any election ; *pro-*  
 9 *vided further*, that no idiot, insane person, or person convicted of any infamous  
 10 crime, shall be entitled to the privileges of an elector ; *provided further*, that  
 11 no person hereafter convicted of the embezzlement or misappropriation of  
 12 public money while holding office or employed in the public service shall ever  
 13 exercise the privileges of an elector, or hold any office whatever in this State.]

SEC. 2. Electors shall in all cases, except treason, felony, or breach of  
 2 the peace, be privileged from arrest on the days of election, during their  
 3 attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day  
 2 of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have  
 2 gained or lost a residence by reason of his presence or absence while employed  
 3 in the service of the United States, nor while engaged in the navigation of  
 4 the waters of this State or of the United States, or of the high seas ; nor while  
 5 a student at any seminary of learning ; nor while kept at any alms-house or  
 6 other asylum, at public expense ; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot.

*Copy*

*Supp*